

2004 Current Fiscal Year Report: Industry Sector Advisory Committee on Energy for Trade Policy Matters (ISAC 6)

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1. Department or Agency

Department of Commerce

2. Fiscal Year

2004

3. Committee or Subcommittee

Industry Sector Advisory Committee on Energy for Trade Policy Matters (ISAC 6)

3b. GSA

Committee No.

341

4. Is this New During Fiscal Year?

No

5. Current Charter

03/17/2004

6. Expected Renewal Date

03/18/2004

7. Expected Term Date

06/16/2004

8a. Was Terminated During Fiscal Year?

Yes

8b. Specific Termination Authority

8c. Actual Term Date

06/16/2004

9. Agency Recommendation for Next Fiscal Year

Terminate

10a. Legislation Req to Terminate?

No

10b. Legislation Pending?

11. Establishment Authority

Statutory (Congress Created)

12. Specific Establishment Authority

19 U.S.C. 2155

13. Effective Date

01/03/1975

14. Committee Type

Continuing

14c.

Presidential?

No

15. Description of Committee

National Policy Issue Advisory Board

16a. Total Number of Reports

5

16b. Report Date

Report Title

12/23/2003 Recommendation letter on the need to retain strong arbitration provisions in the Model BIT and in trade agreements

03/12/2004 Statutory Advisory Committee Report on the U.S.-Australia Free Trade Agreement

03/17/2004 Statutory Advisory Committee Report on the U.S.-Central America Free Trade Agreement (CAFTA)

04/06/2004 Statutory Advisory Committee Report on the U.S.-Morocco Free Trade Agreement

04/22/2004 Statutory Advisory Committee Report on the U.S.-Dominican Republic Free Trade Agreement

Number of Committee Reports Listed: 5

17a. Open 0 17b. Closed 5 17c. Partially Closed 0 Other Activities 0 17d. Total 5

Meetings and Dates

Purpose	Start	End
Discussion and recommendation on WTO Energy Services; WTO Trade Policy Review Schedules; U.S.-Southern Africa Customs Union Free Trade Negotiations; ISAC Reorganization; Kazakhstan Business Development Mission Summary; U.S.-Russia Commercial Energy Summit and Business Development Mission; Department of Commerce Standards Initiative; WTO Cancun Overview; FTAA Government Procurement; FTAA Market Access/Trade in Goods.	10/21/2003	10/21/2003
Deliberation on and approval of drafting and final report writing responsibilities for the ISAC 6 statutory opinion reports on the U.S.-Australia FTA and the U.S.-Central America FTA (CAFTA).	03/04/2004	03/04/2004
Deliberation on and approval of drafting and final report writing responsibilities for the ISAC 6 statutory opinion report on the U.S.-Morocco Free Trade Agreement.	03/30/2004	03/30/2004
Discussion on the investor-state dispute settlement and international arbitration provisions in the U.S.-Australia FTA. Based on this discussion, ISAC 6 made recommendations for the use of investor-state dispute settlement and international arbitration provisions in future trade agreements and investment treaties.	04/07/2004	04/07/2004
Deliberation on and approval of the drafting and final report writing responsibilities for the ISAC 6 statutory opinion report on the U.S.-Dominican Republic FTA.	04/15/2004	04/15/2004

Number of Committee Meetings Listed: 5

	Current FY	Next FY
18a(1). Personnel Pmts to Non-Federal Members	\$0.00	\$0.00
18a(2). Personnel Pmts to Federal Members	\$0.00	\$0.00
18a(3). Personnel Pmts to Federal Staff	\$57,000.00	\$0.00
18a(4). Personnel Pmts to Non-Member Consultants	\$0.00	\$0.00
18b(1). Travel and Per Diem to Non-Federal Members	\$0.00	\$0.00
18b(2). Travel and Per Diem to Federal Members	\$0.00	\$0.00
18b(3). Travel and Per Diem to Federal Staff	\$0.00	\$0.00
18b(4). Travel and Per Diem to Non-member Consultants	\$0.00	\$0.00
18c. Other(rents,user charges, graphics, printing, mail, etc.)	\$0.00	\$0.00
18d. Total	\$57,000.00	\$0.00
19. Federal Staff Support Years (FTE)	0.40	0.00

20a. How does the Committee accomplish its purpose?

The Committee meets approximately six times a year to discuss trade policy and advise the government on industry positions related to commercial matters. The Committee met five times during FY 2004: on 10/21/03, 03/04/04, 03/30/04, 04/07/04, and 04/15/04. The Committee focused on several multilateral and bilateral trade negotiations. ISAC 6 members provided valuable insight, recommendations, and guidance on the WTO Energy Services negotiations; the Free Trade Area of the Americas (FTAA) negotiations; the U.S.-Australia Free Trade Agreement (FTA) negotiations; the U.S.-Central America Free Trade Agreement (CAFTA) negotiations; the U.S.-Morocco Free Trade Agreement (FTA) negotiations; the U.S.-Southern Africa Customs Union (SACU) Free Trade Agreement (FTA) negotiations; the U.S.-Dominican Republic Free Trade Agreement negotiations; and investor-state dispute settlement and international arbitration provisions for future trade agreements and investment treaties.

20b. How does the Committee balance its membership?

The Committee consists of members from the private sector and trade associations which represent a wide spectrum of energy interests, including oil, natural gas, and coal producers; petroleum refiners; electric utilities; renewable energy producers; gas distribution companies; power sector equipment and services suppliers. While all members are experts in their fields, close attention is given - during the selection process - to the representation of candidates/enterprises with a large geographical, gender and size diversification.

20c. How frequent and relevant are the Committee Meetings?

The Committee meets approximately six times a year. However, the actual number of meetings is dictated by Government need for private sector advice. The U.S. Government will be involved in multilateral and bilateral trade policy negotiations with respect to any new WTO round; APEC; OECD; WTO accessions; FTAA negotiations; U.S.-Morocco FTA negotiations; U.S.-Australia FTA negotiations; U.S.-CAFTA negotiations; U.S.-Dominican Republic FTA negotiations; U.S.-SACU FTA negotiations; and enforcement of trade agreements. The advice the Government receives from the private sector through the advisory committee will be an on-going process and will be an intrinsic part of developing U.S. positions for all policy negotiations.

20d. Why can't the advice or information this committee provides be obtained elsewhere?

The Committee structure ensures a unique source of information to the Government. All members have security clearances and through a continuing dialogue with government officials are made aware of Government trade policy at a level not otherwise available to the private sector. Because this Committee remains current in the broad spectrum of trade policy rather than a single facet -- as would be the case in the absence of a committee structure -- the private sector input from the committee is more pertinent. The advisory committee program, legislatively mandated, is the single formal comprehensive consultative link between the U.S. Government and U.S. industry, and has the responsibility to address all issues concerning trade policy.

20e. Why is it necessary to close and/or partially closed committee meetings?

The Industry Consultations Program was established by the Trade Act of 1974 and in accordance with the Federal Advisory Committee Act (FACA), Subsection 135 (f) of the Trade Act provides that the ISAC's shall be exempt from the provisions of the FACA relating to open meetings, public notice, public participation, and public availability of documents when it is determined that the proceedings would, if disclosed, seriously

compromise the Government's negotiating objectives or bargaining position regarding trade policy matters. ISAC meetings routinely involve these kinds of discussions. The United States Trade Representative (USTR) evaluates each meeting agenda and issues a Notice of Determination when it is necessary to close meetings.

21. Remarks

Designated Federal Officer

Samuel C. Beatty DFO

Committee Members	Start	End	Occupation	Member Designation
Bragg, Raymond	03/17/2002	06/16/2004	Representing CNG International	Special Government Employee (SGE) Member
Burnett, David	03/17/2002	06/16/2004	Piceance Natural Gas, Inc	Special Government Employee (SGE) Member
Coleman, Leslie	03/17/2002	06/16/2004	National Mining Association	Special Government Employee (SGE) Member
Easton, John	03/17/2002	06/16/2004	Edison Electric Institute	Special Government Employee (SGE) Member
Gant, Paula	09/30/2002	06/16/2004	Duke Energy International, LLC	Special Government Employee (SGE) Member
Godley, Gene	03/17/2002	06/16/2004	Representing Gas Processors Association	Special Government Employee (SGE) Member
Hatton, Bruce	09/30/2002	06/16/2004	McDermott International, Inc.	Special Government Employee (SGE) Member
King, W	03/17/2002	06/16/2004	McMoRan Exploration Company	Special Government Employee (SGE) Member
McBride, Maurice	03/17/2002	06/16/2004	National Petroleum Refiners Assoc	Special Government Employee (SGE) Member
Stephens, Sherry	03/17/2002	06/16/2004	Petroleum Equipment Suppliers Association	Special Government Employee (SGE) Member
Whitsitt, William	03/17/2002	06/16/2004	Domestic Petroleum Council	Special Government Employee (SGE) Member

Number of Committee Members Listed: 11

Narrative Description

The committee provides private sector advice to the USTR and the Secretary of Commerce on international energy trade policy issues.

What are the most significant program outcomes associated with this committee?

Checked if Applies

Improvements to health or safety

☐

Trust in government

☐

Major policy changes

☐

Advance in scientific research

☐

- | | |
|---|-------------------------------------|
| Effective grant making | <input type="checkbox"/> |
| Improved service delivery | <input type="checkbox"/> |
| Increased customer satisfaction | <input type="checkbox"/> |
| Implementation of laws or regulatory requirements | <input checked="" type="checkbox"/> |
| Other | <input type="checkbox"/> |

Outcome Comments

NA

What are the cost savings associated with this committee?

Checked if Applies

- | | |
|----------------------------|-------------------------------------|
| None | <input type="checkbox"/> |
| Unable to Determine | <input checked="" type="checkbox"/> |
| Under \$100,000 | <input type="checkbox"/> |
| \$100,000 - \$500,000 | <input type="checkbox"/> |
| \$500,001 - \$1,000,000 | <input type="checkbox"/> |
| \$1,000,001 - \$5,000,000 | <input type="checkbox"/> |
| \$5,000,001 - \$10,000,000 | <input type="checkbox"/> |
| Over \$10,000,000 | <input type="checkbox"/> |
| Cost Savings Other | <input type="checkbox"/> |

Cost Savings Comments

NA

What is the approximate Number of recommendations produced by this committee for the life of the committee?

5

Number of Recommendations Comments

NA

What is the approximate Percentage of these recommendations that have been or will be Fully implemented by the agency?

0%

% of Recommendations Fully Implemented Comments

The committee's recommendations for investor-state dispute settlement in the U.S.-Australia FTA were not implemented. It is impossible to determine or surmise if these and/or similar recommendations will be implemented in future trade agreements.

What is the approximate Percentage of these recommendations that have been or will be Partially implemented by the agency?

0%

% of Recommendations Partially Implemented Comments

It is impossible to surmise whether the above mentioned recommendations will be implemented in future trade agreements.

Does the agency provide the committee with feedback regarding actions taken to implement recommendations or advice offered?

Yes ☒ No ☐ Not Applicable ☐

Agency Feedback Comments

USTR has recently begun (April 2004) to brief the committee on the unique circumstances of the investment negotiations of each trade agreement. Prior to this, the committee had submitted a recommendation letter providing its opinion on investor-state dispute settlement and international arbitration provisions as per ongoing and future trade and investment treaty negotiations to the USTR and the Secretary of Commerce on December 23, 2003. USTR replied to this recommendation letter with a written response dated April 21, 2004. The Department of Commerce responded to the recommendation letter with a written response on January 28, 2004.

What other actions has the agency taken as a result of the committee's advice or recommendation?

Checked if Applies

Reorganized Priorities	<input type="checkbox"/>
Reallocated resources	<input type="checkbox"/>
Issued new regulation	<input type="checkbox"/>
Proposed legislation	<input type="checkbox"/>
Approved grants or other payments	<input type="checkbox"/>
Other	<input checked="" type="checkbox"/>

Action Comments

None to note.

Is the Committee engaged in the review of applications for grants?

No

Grant Review Comments

NA

How is access provided to the information for the Committee's documentation?

Checked if Applies

Contact DFO	<input checked="" type="checkbox"/>
Online Agency Web Site	<input type="checkbox"/>
Online Committee Web Site	<input type="checkbox"/>
Online GSA FACA Web Site	<input type="checkbox"/>
Publications	<input type="checkbox"/>
Other	<input type="checkbox"/>

Access Comments

NA